

## PATENT COOPERATION TREATY

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## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5259-08701	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US01/00724	International filing date (day/month/year) 08 JANUARY 2001	Priority date (day/month/year) 06 JANUARY 2000
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 17/56 and US Cl.: 606/61		
Applicant SPINAL CONCEPTS, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 15 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand  23 JULY 2001	Date of completion of this report  24 JANUARY 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  PEDRO PHILOGENE
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/00724

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
pages \_\_\_\_\_ (See Attached) \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages \_\_\_\_\_ NONE \_\_\_\_\_
- ☒ the claims, Nos. \_\_\_\_\_ 131 \_\_\_\_\_
- ☒ the drawings, sheets/fig \_\_\_\_\_ NONE \_\_\_\_\_

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/00724

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. statement

Novelty (N)	Claims	<u>1-130</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>1-130</u>	YES
	Claims	<u>NONE</u>	NO
Industrial Applicability (IA)	Claims	<u>1-130</u>	YES
	Claims	<u>NONE</u>	NO

## 2. citations and explanations (Rule 70.7)

Claims 1-130 meet the criteria set out in PCT Article 33(2)-(4) because the prior art does not teach or fairly suggest a bone plate system wherein the deflectable portion of the ring is configured to deflect outwards when the head is initially positioned in the ring and wherein the deflectable portion is configured to deflect inwards after passage of a portion of the head into the ring to couple the fastener to the ring so that removal of the fastener from the plate is inhibited and where a ring comprising a finger extending from the projection substantially parallel to the base, the finger configured to secured the head in the ring during use. Also, comprising a locking mechanism comprising a top and a plurality of elongated members extending from the top the locking mechanism configured to insert in the opening of the head with a portion of the elongated members extendable through the apertures in the head of the fastener during use. And further driving the fastener into the bone to couple the plate to the bone and to position the groove adjacent to the ridge so that the ridge deflects inwards towards the head and forms an interference fit with the groove, wherein the interference fit between the head and the ring inhibits the fastener from backing out of the plate during use.

----- NEW CITATIONS -----  
NONE

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**I. BASIS OF REPORT:**

This report has been drawn on the basis of the description,  
page(s) 1-15, as originally filed.  
page(s) NONE, filed with the demand.  
and additional amendments:  
NONE

This report has been drawn on the basis of the claims,  
page(s) NONE, as originally filed.  
page(s) NONE, as amended under Article 19.  
page(s) NONE, filed with the demand.  
and additional amendments:  
pages 16-30, filed with the letter of 06 NOVEMBER 2001.

This report has been drawn on the basis of the drawings,  
page(s) 1-11, as originally filed.  
page(s) NONE, filed with the demand.  
and additional amendments:  
NONE

This report has been drawn on the basis of the sequence listing part of the description:  
page(s) NONE, as originally filed.  
pages(s) NONE, filed with the demand.  
and additional amendments:  
NONE